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REGULAR

NUMBER: 54.24

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING SECTION 5.05 OF CHAPTER 20 OF TITLE I AND SECTION 13.08 OF CHAPTER 210 OF TITLE V OF THE MILPITAS MUNICIPAL CODE TO PROVIDE THAT NOTICES OF APPEAL TO THE CITY COUNCIL SHALL ONLY BE EFFECTIVE UPON PAYMENT OF THE FEE ADOPTED OR AMENDED BY RESOLUTION OF THE MILPITAS CITY COUNCIL AND TO PROVIDE THAT DECISIONS OF THE HEARING ADMINISTRATOR WITH REGARD TO CONTESTS OF NOTICES OF VIOLATION, REVOCATION OF PERMITS OR OTHER DECISIONS UNDER CHAPTER 210, "ANIMAL REGULATION," MAY BE APPEALED TO THE CITY COUNCIL

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of May 3, 2005, upon motion by _____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by Councilmember _____. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Donna Biles, Deputy City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Richard Pio Roda, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

Section 1

Section 5.05 of Chapter 20 of Title I of the Milpitas Municipal Code is hereby amended to read as follows:

"I-20-5.05 Notice shall be effective when requirements are met

A notice of appeal shall not be effective unless said notice shall be filed and, where required, the fee adopted or amended by resolution of the Milpitas City Council paid within the time herein required."

Section 2

Section 13.08 of Chapter 210 of Title V of the Milpitas Municipal Code is hereby amended to read as follows:

"V-210-13.08 Administrator's Decision"

After considering all of the testimony and evidence submitted at the administrative hearing, the Administrator shall issue a written decision to uphold or dismiss the allegations contained in the notice of violation, revocation of any permit issued pursuant to this Chapter, or other decision and shall list in the decision the reasons for that decision. The decision of the Administrator shall be served on the applicable party pursuant to this section. The decision of the administrator may be appealed to the City Council in accordance with the provisions of Article V of Chapter 20, Title I of the Milpitas Municipal Code."

Section 3. PUBLICATION AND EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Milpitas Post, a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.

Section 4. SEVERABILITY

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.